

AMENDED IN SENATE JUNE 2, 2003

AMENDED IN SENATE MAY 6, 2003

AMENDED IN SENATE APRIL 2, 2003

## SENATE BILL

No. 245

### Introduced by Senator Sher

February 14, 2003

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An act to amend Section 15007 of the Fish and Game Code, relating to fish.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 245, as amended, Sher. Fish.

Existing law provides that provisions in the Fish and Game Code relating to aquaculture do not permit ocean ranching, as defined. A violation of the code is a crime under existing law.

This bill would delete that provision and, instead, make it unlawful to spawn, incubate, or cultivate any anadromous or transgenic fish species, or any *exotic* species of finfish in the waters of the Pacific Ocean that are regulated by this state, ~~except as specified.~~ *The bill would define "transgenic" and "exotic species" for these purposes.* By changing the definition of an existing crime this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 15007 of the Fish and Game Code is  
2 amended to read:

3 15007. (a) In the waters of the Pacific Ocean that are  
4 regulated by this state, it is unlawful to spawn, incubate, or  
5 cultivate anadromous or transgenic fish species, or any species of  
6 finfish that is not native to those waters.

7 ~~(b) (1) Subdivision (a) shall not apply to either of the~~  
8 ~~following:~~

9 ~~(A) Artificial propagation, rearing, and stocking projects for~~  
10 ~~the purpose of recovery, restoration, or enhancement of native fish~~  
11 ~~stocks, and carried out pursuant to the California Ocean Resources~~  
12 ~~Enhancement and Hatchery Program (Article 8 (commencing~~  
13 ~~with Section 6590) of Chapter 5 of Part 1 of Division 6), or under~~  
14 ~~a scientific collecting or research permit issued by the department.~~

15 ~~(B) Nonprofit hatcheries and nonprofit artificial propagation~~  
16 ~~projects operated by, or on behalf of, licensed commercial or sport~~  
17 ~~fishermen for the purpose of recovery, restoration, or~~  
18 ~~enhancement of California's native salmon populations or native~~  
19 ~~marine fish populations, pursuant to Chapter 8 (commencing with~~  
20 ~~Section 6900) of Part 1 of Division 6.~~

21 ~~(2) Nothing in this subdivision authorizes artificial exotic~~  
22 ~~species of finfish.~~

23 ~~(b) Nothing in this section authorizes artificial propagation,~~  
24 ~~rearing, or stocking of transgenic freshwater and marine fishes,~~  
25 ~~invertebrates, crustaceans, or mollusks.~~

26 (c) As used in this section, "transgenic" has the same meaning  
27 as in Section 1.92 of Title 14 of the California Code of Regulations,  
28 as that section read on May 14, 2003.

29 (d) As used in this section, "exotic species" means a fish that  
30 is not native to California waters and that does not currently exist  
31 as a viable population in a wild condition in the state.

32 SEC. 2. No reimbursement is required by this act pursuant to  
33 Section 6 of Article XIII B of the California Constitution because  
34 the only costs that may be incurred by a local agency or school  
35 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty  
2 for a crime or infraction, within the meaning of Section 17556 of  
3 the Government Code, or changes the definition of a crime within  
4 the meaning of Section 6 of Article XIII B of the California  
5 Constitution.

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